

No. 444, S.]

[Published July 28, 1949.

**CHAPTER 539.**

AN ACT to repeal and recreate 114.05 of the statutes, relating to liability for damage caused by operation of aircraft.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

114.05 of the statutes is repealed and recreated to read:

114.05 DAMAGES BY AIRCRAFT. The liability of the owner, lessee and pilot of every aircraft operating over the lands or waters of this state for injuries or damage to persons or property on the land or water beneath, caused by the ascent, descent or flight of such aircraft, or the dropping or falling of the aircraft or of any object or material therefrom, shall be determined by the law applicable to torts on land, except that there shall be a presumption of liability on the part of the owner, lessee or pilot, as the case may be, where injury or damage is caused by the dropping or falling of the aircraft or of any object or material therefrom, which presumption may be rebutted by proof that the injury or damage was not caused by negligence on the part of the owner, lessee or pilot and the burden of proof in such case shall be upon such owner, lessee or pilot to show absence of negligence on his part.

Approved July 26, 1949.